

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,	)	
425 Third Street SW, Suite 800	)	
Washington, DC 20024,	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
v.	)	
	)	
U.S. DEPARTMENT OF JUSTICE,	)	
950 Pennsylvania Avenue NW	)	
Washington, DC 20530,	)	
	)	
and	)	
	)	
U.S. SECURITIES AND EXCHANGE	)	
COMMISSION	)	
100 F Street NE	)	
Washington, DC 20549	)	
	)	
Defendants.	)	
_____	)	

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendants U.S. Department of Justice and U.S. Securities and Exchange Commission to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff Judicial Watch, Inc. is a non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 425 Third

Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. As part of its educational mission, Plaintiff regularly requests records under FOIA to shed light on the operations of the federal government agencies and to educate the public about these operations. Plaintiff then analyzes the agency records and disseminates the results to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of Justice (“DOJ”) is an agency of the U.S. Government and is headquartered at 950 Pennsylvania Avenue NW, Washington, DC 20530. Defendant DOJ has possession, custody, and control of public records to which Plaintiff seeks access.

5. Defendant U.S. Securities and Exchange Commission (“SEC”) is an agency of the U.S. Government and is headquartered at 100 F Street NE, Washington, DC 20549. Defendant SEC has possession, custody, and control of public records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

6. On April 16, 2020, Plaintiff sent a FOIA request to the SEC by certified mail, return receipt requested, seeking access to the following:

**[C]opies of any and all records concerning, regarding, or relating to a deceased individual named Donald Haidl and/or Entrade Inc. as addressed in a previous S.E.C. FOIA request 08-0145 8-FOIA.**

7. According to U.S. Postal Service records, the request was received by the SEC on April 22, 2020. Plaintiff has received no communication from the SEC regarding its request.

8. On April 17, 2020, Plaintiff sent a nearly identical FOIA request to DOJ seeking access to the following:

**[C]opies of any and all records concerning, regarding, involving or relating to a deceased individual named Donald Haidl and/or Entrade Inc. as addressed in a previous DOJ FOIA request 08-1632.**

9. By letter dated April 30, 2020, DOJ's Executive Office for U.S. Attorneys acknowledged receiving Plaintiff's request on April 29, 2020. The acknowledgment letter invoked the 10-day extension of time provision contained in 5 U.S.C. § 552(a)(6)(B)(i)-(iii).

10. As of the date of this Complaint, neither the SEC nor DOJ has made a determination about whether it will comply with the requests, notified Plaintiff of any determination, or notified Plaintiff of its right to appeal any adverse determination to the head of the agency. Nor has the SEC or DOJ produced any records responsive to the requests, indicated when any responsive records will be produced, or demonstrated that responsive records are exempt from production.

**COUNT I**  
**(Violation of FOIA, 5 U.S.C. § 552)**

11. Plaintiff realleges paragraphs 1 through 10 as if fully stated herein.

12. Defendants are in violation of FOIA.

13. Plaintiff is being irreparably harmed by Defendants' violations of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendants are compelled to comply with the law.

14. Plaintiff has no adequate remedy at law.

15. To trigger FOIA's administrative exhaustion requirement, Defendant SEC was required to make a final determination on Plaintiff's request on or about May 20, 2020, and Defendant DOJ was required to make a final determination on or about June 11, 2020.

16. Because Defendants failed to make final determinations on Plaintiff's requests within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendants to search for any and all records responsive to Plaintiff's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of records responsive to the requests; (2) order Defendants to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's requests and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendants from continuing to withhold any and all non-exempt records responsive to the request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: June 29, 2020

Respectfully submitted,

/s/ Paul J. Orfanedes  
PAUL J. ORFANEDES  
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